

**REMARKS**

Applicant respectfully requests the Examiner consider the following remarks. Prior to this Response, claims 1-9 were pending in this application. Claim 1 has been amended. Claim 34 has been added. No claims have been canceled. Therefore, claims 1-9 and 34 remain presented for examination.

**CLAIM REJECTIONS UNDER 35 U.S.C § 102(b)**

Claims 1-6 and 9 have been rejected under 35 U.S.C. 102(b) as being unpatentable by Crowley, U.S. Patent No. 5,544,660 (hereinafter "Crowley '660"). Applicant respectfully traverse as the cited reference does not teach or suggest all of the recitations of the claims.

Claim 1 recites a catheter assembly comprising a hollow sheath having a hub at a proximal portion. An elongate operative element is slidably and rotatably housed within the sheath. The elongate operative element comprises "a relatively stiff initial section extending from the proximal end, wherein the stiff initial section extends distally beyond the hub to permit the operative element to move back and forth within the hollow sheath." The catheter assembly further comprises "a rotatable combined connector secured to the proximal end of the operative element so as to be proximal to the hub." Applicant respectfully submits that these recitations are not taught or suggested by Crowley '660.

Crowley '660 discloses a catheter assembly having a hollow sheath 12 enclosing a drive shaft 18. See Crowley '660, col. 3, ll. 6-9, Figure 1. A connector 7, adapted for a connector 16 housing the driving motor 20, is disposed at the proximal end of the sheath 12. Id. at col. 3, ll. 35-37. Electrical wires of the driving motor emerge as coaxial cable 32. Id. at col. 3, ll. 38-40. The drive shaft 18 is electrically connected to the drive motor 20 using electrical connector 32A disposed in cable 32. Id. at 52-55.

The Examiner equates the drive shaft 18 of Crowley '660 with the elongate operative element of Applicant's claim 1. However, in contrast to claim 1, Crowley '660 fails to disclose the drive shaft 18 comprises a "relatively stiff initial section." In fact, Crowley '660 specifically discloses that the drive shaft is flexible. Id. at col. 3, l. 10.

Crowley '660 also does not teach or suggest that any portion of the drive shaft extends distally beyond a hub at the proximal portion of a hollow sheath. Instead, the drive shaft 18 terminates at coaxial cable 32. See id. at Figure 2. Thus, in contrast to claim 1, the drive shaft is not capable of moving back and forth within the sheath in the manner recited in claim 1. Instead, the drive shaft is fixed to the end of the coaxial cable and can only rotate within the sheath.

As Crowley '660 fails to teach or suggest all of the recitations of claim 1, Applicant respectfully submits that claim 1 is allowable. Claims 2-6 and 9 depend from claim 1. Accordingly, these claims are believed to be allowable for at least the same reasons.

Newly added claim 34 contains recitations similar to those of previously presented claim 1. Claim 34 further recites that the stiff initial section of the elongate operative element "is stiffer than an adjacent distal portion of the elongate operative element." As previously discussed, Crowley '660 fails to disclose an elongate operative element with a stiff initial section. Further, Crowley '660 fails to teach or suggest that an initial section of the drive shaft equated to the operative element is stiffer than an adjacent portion. Therefore, Applicant respectfully submits that claim 34 is allowable.

#### **CLAIM REJECTIONS UNDER 35 U.S.C § 102(b)**

Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Crowley and further in view of Crowley, U.S. Patent No. 5,524,630 (hereinafter "Crowley '630"). Applicants respectfully traverse.

Crowley '630 also fails to teach or suggest the recitations of claim 1 discussed above. In particular, the rigid connector 11 of Crowley '630 which the Office Action equates with the relatively stiff initial section being a metal tube (as recited in claim 7) is joined to the



App. No. 09/970,314  
Amdt. dated February 27, 2004  
Reply to Office Action of December 15, 200

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main body of the catheter sheath. See Crowley '630, col. 10, ll. 18-20. In contrast to claim 1 and its dependent claim 7, Crowley '630 does not teach an elongate operative element having a relatively stiff initial section. Crowley '630 also fails to teach or suggest that the drive shaft extends distally beyond a hub at the proximal portion of a hollow sheath. Since claims 7 and 8 depend on claim 1, Applicant respectfully submits that these claims are allowable for at least the same reasons.

### INVITATION FOR A TELEPHONE INTERVIEW

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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### CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,

Melissa A. Haapala  
Reg. No. 47,622

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
MAH:nlm

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